IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

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**WRIT PETITION NO : 2593 of 2000**

Between:

A.P.State Road Transport Corporation

Mushirabad, Hyderabad, Rep.by its Managing Director

**..... PETITIONER**

AND

1. The State Transport Appellate Tribunal

A.P., Hyderabad, Rep.by its Presiding Officer.

2. The Regional Transport Authority,

Nizamabad, Rep.by its Secretary.

3. The Secretary, Regional Transport Authority, Nizamabad.

4. Sri Md.Lateef. D.No. 1-3-109, Near Old Bus stand, Kamareddy,

Nizamabad District.

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of a writ of certiorari/mandamus, calling for the records relating to the impugned order dated 29.09.1999 made in R.P. No.124 of 1996, State Transport Appellate Tribunal, A.P. Hyderabad dismissing the revision petition filed against the order in Rc.No.1578/A2/96 dated 28.05.1996 of the Secretary Regional Transport Authority, Nizamabad granting additional fair weather route permit to 4$^{th}$ respondent on the route, Kamareddy to Dharpally; and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of the original permit and

additional permit to 4th respondent on the said route is illegal, without jurisdiction and in valid and that the 4th respondent has no legal right to ply his busses on the said route.

**Counsel for the Petitioner: MR K. SRINIVAS RAO**

**Counsel for the Respondents 1 to 3: GP for Transport.**

**Counsel for the Respondent No.4: Mr Noushad Ali**

**The Court made the following :**

**:: ORDER ::**

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Heard Mr. K.Srinivas Rao, Standing Counsel for the APSRTC and Mr. Noushad Ali, counsel for the 4th respondent.

This writ petition is filed against the order of the 1st respondent-Tribunal dated 29.9.1999 dismissing the revision RP No. 124/96 preferred by the petitioner.

By the order dated 28.5.1996 of the 2nd respondent, the 4th respondent was granted a pucca stage carriage on the route Kamareddy to Dharpally. The petitioner contends that the grant is without jurisdiction being contrary to the approved scheme in G.O.Ms. No.944 TR&B (Tr-V) Department, dated 2.11.1987. The grant proceedings (sanction orders) pursuant to the order dated 28.5.96 were issued on 1.6.96. Aggrieved thereby the petitioner preferred a revision to the 1st respondent-Tribunal on 5.12.1996 unaccompanied by any application for condonation of delay in preferring the revision u/Sec. 90 of the Motor Vehicles Act 1988 (for short 'the Act'). Subsequently in an application for interim stay of the proceedings dated 28.5.96, in MP No.390/96 in RP No. 124/96, the petitioner, in paragraphs 3 and 4 contended that it was not aware of the passing of the order on 28.5.96 and that despite its request for a certified copy of the order, it was given to the petitioner only on 7.11.96 and that the revision is therefore in time.

There being no application for condonation of delay accompanying the revision petition, it was rejected by the 1st-Tribunal by the order dated 29.9.99, which order is impugned in this writ petition.

In ***APSRTC vs T.Saidaiah and Others. ()***, a Division Bench of this court, on an interpretation of the provisions ofSec.90 of the Act and on consideration of a substantially similar fact situation held that a revision filed beyond the period of limitation without an application filed for condonation of delay is liable to be rejected. It also held that the APSRTC is not entitled to automatic supply of a copy of an order granting permit, free of cost and without making an application for the same.

Applying the ration of the decision in *Saidaiah*'s case supra, in the considered view of this court the order of the 1st respondent-Tribunal dated 29.9.99 in RP No. 124/96 is seen to suffer from no infirmity warranting interference in this writ petition. The writ petition is accordingly dismissed. No costs.

Date: 22.11.2004 ----------

Kvrm/Pvsn Justice G.Raghuram

To

1. The Presiding Officer,The State Transport Appellate Tribunal

A.P., Hyderabad.

2. The Secretary, The Regional Transport Authority,

Nizamabad.

3. The Secretary, Regional Transport Authority, Nizamabad.

4. 2 CCs to GP for Transport, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.